

# EXHIBIT 1

CONFIDENTIAL - ATTORNEYS EYES ONLY

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 SONOS, INC.,  
4 Plaintiff,  
5 vs. Case No. 3:21-CV-07559-WHA  
6 GOOGLE LLC  
7 Defendant.

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8 -AND-

9  
10 GOOGLE LLC,  
11 Plaintiff,  
12 vs. Case No. 3:20-CV-06754-WHA  
13 SONOS, INC.,  
14 Defendant.

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15 \*\*CONFIDENTIAL - ATTORNEYS' EYES ONLY\*\*

16 ZOOM DEPOSITION OF JAMES E. MALACKOWSKI  
17 (Reported Remotely via Video & Web Videoconference)  
18 Miami, Florida (Deponent's location)  
19 Monday, January 30, 2022

20 Volume 1

21 STENOGRAPHICALLY REPORTED BY:  
22 REBECCA L. ROMANO, RPR, CSR, CCR  
23 California CSR No. 12546  
24 Nevada CCR No. 827  
25 Oregon CSR No. 20-0466  
Washington CCR No. 3491  
JOB NO. 5686085  
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1 A. I don't believe so. 04:52:15

2 Q. This report is actually a survey about  
3 the COVID-19 pandemic and how that effected smart  
4 speaker owners and the use of voice assistants,  
5 correct? 04:52:28

6 A. It includes discussions regarding the  
7 impact of COVID. Given the timing of this report,  
8 which is spring of 2020, that's true. But working  
9 from home during COVID would also have effects on  
10 consumers' use of, for example, the 04:52:46  
11 patents-in-suit.

12 Q. You don't know how many times that  
13 29 percent of households identified in this survey  
14 that have three or more smart speakers have  
15 actually used an allegedly infringer -- infringing 04:53:01  
16 speaker to set up speaker groups, correct?

17 A. No, I don't know the number of times.

18 Q. You're aware that Google produced usage  
19 metrics regarding its grouping functionality?

20 A. Yes. I believe those are discussed in 04:53:25  
21 Mr. Bakewell's report.

22 Q. You did not include -- you did not  
23 include any analysis of those usage metrics in your  
24 calculation for royalties for the Zone Scene  
25 patents, correct? 04:53:40



1 I, Rebecca L. Romano, a Certified Shorthand  
2 Reporter of the State of California, do hereby  
3 certify:

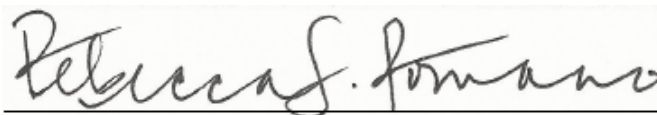
4 That the foregoing proceedings were taken  
5 before me remotely at the time and place herein set  
6 forth; that any deponents in the foregoing  
7 proceedings, prior to testifying, were administered  
8 an oath; that a record of the proceedings was made  
9 by me using machine shorthand which was thereafter  
10 transcribed under my direction; that the foregoing  
11 transcript is true record of the testimony given.

12 Further, that if the foregoing pertains to the  
13 original transcript of a deposition in a Federal  
14 Case, before completion of the proceedings, review  
15 of the transcript [ ] was [X] was not requested.

16 I further certify I am neither financially  
17 interested in the action nor a relative or employee  
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date  
20 subscribed my name.

21 Dated: February 2, 2023

22  
23   
24

Rebecca L. Romano, RPR, CCR

25 CSR. No 12546